

SENATE BILL 2579

By Black

AN ACT to amend Tennessee Code Annotated, Title 38
and Title 68, relative to post-mortem examinations
in cases involving the death of a child.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-7-108(c)(1), is amended by
deleting the subdivision and by substituting instead the following:

(1)

(A) If a body is subject to post-mortem examination under this chapter, the provisions of this chapter shall be suspended to the extent necessary for the preservation of any body or part thereof, as defined in § 68-30-102, where an anatomical gift of such body or such part has been made in accordance with the Uniform Anatomical Gift Act, compiled in title 68, chapter 30, part 1.

(B) For cases arising on or after January 1, 2007, in cases involving the death of a child, the provisions of this chapter shall be suspended only to the extent permitted by rules promulgated by the commissioner of health, in accordance with the provisions of title 4, chapter 5, that establish a protocol for procedures to permit medical examiners to make adequate investigations of the death of a child. The rules and the provisions of this chapter shall not permit the suspension of the provisions of this chapter in any case involving the death of a child when the medical examiner determines that organ donation from the deceased child could reasonably prevent an adequate investigation of the death of a child. For the purposes of § 4-5-209, the commissioner is authorized to use public necessity rules to establish such rules.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.